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April 22, 1954  
Letter Opinion  
No. 54-116-L

Dr. Maurice Richter, Secretary  
State Board of Medical Examiners  
2910 North 7th Avenue  
Phoenix, Arizona

Re: Licensing of X-ray machine and  
fluoroscope operators.

Dear Dr. Richter:

This is in reply to your oral request for an opinion from this office on the question, "Must the operator of an X-ray or fluoroscope machine be licensed by the State of Arizona?"

A thorough search of the Arizona statutes dealing with the regulation of business and professional pursuits reveals that the operators of X-ray and fluoroscope machines, as such, are not specifically regulated by statute. This lack of regulation goes only to the operation of such machines, however, and not to their use as clinical or diagnostic aids.

Section 67-1102, A.C.A. 1939, as amended, defines the practice of medicine and surgery, and reads in pertinent part as follows:

"67-1102. Practice of medicine and surgery.--(a) A person shall be regarded as practicing medicine and surgery, or either, who, by any indication or statement, claims his ability or willingness to, or does, diagnose or prognosticate any human ills, real or imaginary, or claims his ability or willingness to, or does, prescribe or administer any medicine, treatment or practice, or performs any operation, manipulation, or application for compensation unless it is in the practice of dentistry, pharmacy, osteopathy, chiropractics, chiropody, or naturopathy, or in the business of opticians or of vendors of dental or surgical instruments, apparatus and appliances.

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It is seen from the foregoing that the actions of any person who uses an X-ray or fluoroscope machine as a means of diagnosing or curing illnesses will fall within the definition of the practice of medicine or surgery unless such use was within the scope of the exceptions to such definition, such as naturopathy, chiropractic, etc., and such person would, therefore, have to be licensed to practice medicine in the State of Arizona.

It is the opinion of this office, therefore, in view of the foregoing, that although the physical operation of an X-ray or fluoroscope machine by a technician does not subject such person to licensure, it is patently clear that the use by a person of such machines as a diagnostic or curative device, is unlawful unless such person is licensed by the State of Arizona to practice one of the healing arts whose scope of treatment includes the use of such equipment.

If we may be of any further assistance in this matter, please do not hesitate to call upon us.

Yours very truly,

R. DEAN BURCH  
Special Assistant to  
The Attorney General

RDB:mp

cc: Mr. Robert Carpenter  
Executive Secretary  
Board of Medical Examiners  
401 Security Building  
Phoenix, Arizona